

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 9, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:12 a.m. Mayor Golding introduced George Denny, the new Mayor of Cedar Park, Texas, and welcomed him to San Diego. George Denny, who is from San Diego, is here attending an American Public Transit Association Meeting. He is also checking the San Diego trolley system because the Austin area is considering such a system. Council Member Stevens also welcomed George Denny and commended him on his achievements.

Mayor Golding convened the Redevelopment Agency Meeting at 10:34 a.m. simultaneously with the Council Meeting. The Redevelopment Agency Meeting was recessed at 10:38 a.m. by Mayor Golding. At 11:06 a.m. Mayor Golding recessed the Council Meeting and reconvened The Redevelopment Agency Meeting. The Council Meeting was reconvened by Mayor Golding at 12:07 p.m. The meeting was recessed by Mayor Golding at 12:10 p.m. to meet immediately in closed session and to reconvene at 2:00 p.m.

Due to lack of a quorum, Deputy City Clerk Mary Cepeda adjourned the meeting at 2:00 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-excused by R-290316
(No reason given)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-excused by R-290317
(No reason given)

- (8) Council Member Vargas-present
- Clerk-Abdelnour (ms/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Robert A. Ulery, Sr. regarding petitions to open the City lakes and waterways on a daily basis during daytime hours for recreational purposes. He said he has 10,000 signatures and is prepared to get more.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A011-041.)

ITEM-PC-2:

Comment by Roger Scott regarding the homeless and the need for money for new shelters and transitional housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-054.)

ITEM-PC-3:

Comment by Yvonne Goody regarding the homeless and the need for more shelters and inexpensive housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A058-075.)

ITEM-PC-4:

Comment By Don Stillwell regarding computers not recognizing the year 2000. He also expressed concern about the possibility of the Federal Government giving \$18,000,000,000 to the International Monetary Fund.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A076-094.)

COUNCIL COMMENT:

None.

ITEM-102:

SUBJECT: Inviting Bids for the Removal of Architectural Barriers for the Disabled - Contract 40.

(Rancho Bernardo, Mira Mesa, Kearny Mesa, Clairemont Mesa, Linda Vista, University, La Jolla, and Peninsula Community Areas. Districts-1,2,5 & 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1335 Cor.Copy) ADOPTED AS RESOLUTION R-290221

Inviting bids for the Removal of Architectural Barriers
for the Disabled - Contract 40 on Work Order No.
112737;

Authorizing a contract with the lowest responsible
bidder, provided that the City Auditor first furnishes
a certificate demonstrating that funds necessary for
expenditure are, or will be, on deposit in the City
Treasury;

Authorizing the Auditor and Comptroller to transfer
\$300.05 from CDBG Fund 18528, Dept. No. 4028, Org.
2801; \$2,932.15 from CDBG Fund 18529, Dept. No. 4048,
Org. 4802; \$13,000 from CDBG Fund 18532, Dept. No.
4120, Org. No. 2003; \$28,000 from CDBG Fund 18533,
Dept. No. 4145, Org. No. 4511; \$11,000 from CDBG Fund
18533, Dept. No. 4145, Org. No. 4509; \$50,000 from CDBG
Fund 18533, Dept. No. 4145, Org. No. 4510; \$14,000 from
CDBG Fund 18533, Dept. No. 4145, Org. No. 4507; and
\$38,600 from CDBG Fund 18533, Dept. No. 4136, Org. No.
3602 to CDBG Fund 18533, Dept. No. 4145, Org. No. 4501;

Authorizing the expenditure of not to exceed \$219,000
from CDBG Fund 18533, Dept. No. 4145, Org. No. 4501;

Authorizing the Auditor and Comptroller, upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves.
(BID-K98084C)

CITY MANAGER SUPPORTING INFORMATION:

Community Block Grant Fund Nos. 18528, 18529, 18532, and 18533
provide for the design and construction of pedestrian ramps. The
ramps are required because persons with disabilities and many
senior citizens find their mobility restricted by curbs that are
difficult to negotiate. This project will provide 160 ramps.

Aud. Cert. 9801239.

FILE LOCATION: W.O. 112737 CONT - Portillo Concrete

COUNCIL ACTION: (Tape location: C388-392.)

MOTION BY VARGAS TO ADOPT. Second by Mathis. Passed by the
following vote. Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-not present, Stallings-yea, McCarty-not
present, Vargas-yea, Mayor Golding-yea.

ITEM-208:

SUBJECT: Anti-Meth Production Ordinance.

(See memorandum from Mayor Golding dated 5/28/98.)

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-145) INTRODUCED, TO BE ADOPTED JUNE 29, 1998

Introduction of an Ordinance amending Chapter V, Article 2, of the San Diego Municipal Code by adding Division 31, titled Limits on Sales of Products Containing Ephedrine, and by adding Sections 52.3101, 52.3102, 52.3103, 52.3104, 52.3105, 52.3106 and 52.3107, all relating to Regulation of the Sale of Over-the Counter Products Containing Ephedrine.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A291-B106.)

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Stevens. Passed by the following vote. Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-310:

SUBJECT: Recognizing the Library Department's First Annual Citywide Student Essay Contest Winners.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1401) ADOPTED AS RESOLUTION R-290222

Recognizing the following winners of the Library
Department's First Annual Citywide Student Essay
Contest:

Lucia Barbu
Chelsea Batten
Zaira Elias
Thanh Khuu
Sonia Mazariagos
Spencer Oliver
Kimberly Rosemond
Chau-Tran
Dana Ung

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A139-237.)

MOTION BY KEHOE TO ADOPT. Second by Mathis. Passed by the
following vote. Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-not present, Warden-not present, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: CCDC Area 1 - Phase 1, Market Street to "K" Street (6th
Avenue to 12th Avenue) Underground Utility District.

(Centre City Community Area. Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1266 Cor.) ADOPTED AS RESOLUTION R-290223

Establishing the CCDC Area 1 - Phase 1, Market Street
to "K" Street (6th Avenue to 12th Avenue) Underground
Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual
Allocation - Undergrounding of City Utilities", and will

underground the overhead utility facilities on CCDC Area 1 - Phase 1, Market Street to K Street (6th Avenue to 12th Avenue) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral.

In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-246

COUNCIL ACTION: (Tape location: A238-290.)

Hearing began at 10:34 a.m. and halted at 10:38 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote. Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Cortez Hill (7th Avenue to 10th Avenue, "A" Street to Cedar Street) Underground Utility District.

(Centre City Community Area. Districts-2 & 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1068) ADOPTED AS RESOLUTION R-290224

Establishing the Cortez Hill (7th Avenue to 10th Avenue, "A" Street to Cedar Street) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on the Cortez Hill (7th Avenue to 10th Avenue, "A" Street to Cedar Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral.

In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

FILE LOCATION: STRT-K-247

COUNCIL ACTION: (Tape location: A238-290.)

Hearing began at 10:34 a.m. and halted at 10:38 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote. Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Matter of a Centre City (CCDP) and Coastal Development Permit (CDP), and authorization to advertise and receive bids for the design and construction of the off-site improvements for the Station B - Powerhouse (Located at Broadway and Kettner Boulevard) - Columbia Sub Area of the Centre City Redevelopment Project.

(CCDP/CDP/RPO-96-7338. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A & B, and adopt the resolutions in Subitems C & D to approve the permits:

Subitem-A: (R-98-1360) ADOPTED AS RESOLUTION R-290225

Adoption of a Resolution certifying that the information contained in the Secondary Study has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the information contained in the Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project has been previously reviewed and certified by this Council in connection with R-279875; and that said MEIR & Secondary Study have been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-1361) ADOPTED AS RESOLUTION R-290226

Adoption of a Resolution making findings with respect to the payment for installation and construction of certain off-site improvements on Broadway, Kettner Boulevard, E Street, and California Street in the Columbia Sub Area of the Centre City Redevelopment Project.

Subitem-C: (R-98-1581) ADOPTED AS RESOLUTION R-290227
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the Centre City Development Permit, with appropriate findings to support Council action.

Subitem-D: (R-98-1582) ADOPTED AS RESOLUTION R-290228
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the
Coastal Development Permit, with appropriate findings
to support Council action.

SUPPORTING INFORMATION:

The proposed Station B Powerhouse is the adaptive reuse,
rehabilitation, and alteration of the former SDG&E Station B
power plant into a 450-room hotel.
The project is located on the south side of Broadway between "E"
Street, Kettner Boulevard, and California Street at 707 West
Broadway and is within the Columbia Sub Area. The "E" Street
right-of-way dead ends into California Street which is a heavily
used railroad and trolley corridor. The Developer of the project
is Monaghan Company, LLC. The project requires a Centre City and
Coastal Development Permit.

FILE LOCATION: SUBITEMS A AND B: MEET
SUBITEMS C AND D: PERM-96-7338

COUNCIL ACTION: (Tape location: A238-290.)

Hearing began at 10:34 a.m. and halted at 10:38 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS IN
SUBITEMS A AND B, AND ADOPT THE RESOLUTIONS IN SUBITEMS C
AND D GRANTING THE PERMITS. Second by Wear. Passed by the
following vote. Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-not present, Stallings-yea, McCarty-not
present, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Lease Agreement with International Aero Club, LLC, for
.22 Acre Airport Viewing Area at Montgomery Field
Airport.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-129) TRAILED TO MONDAY, JUNE 15, 1998

Introduction of an Ordinance authorizing the City Manager to execute a lease agreement with International Aero Club, LLC, for a .22 acre airport viewing area located on the north side of Montgomery Field Airport, for a term of 10 years, at an initial annual rent of \$1,400, which amount is consistent with the Approved Aviation Rental Rates for Montgomery Field.

CITY MANAGER SUPPORTING INFORMATION:

This ten-year lease replaces a renewable one-year permit that was executed in 1977 between the City and Specialty Restaurant d.b.a. 94th Aero Squadron (restaurant). On approximately December 12, 1997, Speciality Restaurant sold the restaurant and assigned its permit to Lessee with the City's consent. The remaining term on the permit expires on May 9, 1998. The premises is landscaped and used by the restaurant as an airport viewing area for its customers and as an access to adjacent public aircraft tiedowns. This is the highest and best use for the premises, because of its limited access.

Basic Terms and Conditions of the Agreement:

Premises: .22 acres on the north side of Montgomery Field Airport

Lease Term: Ten years, commencing on May 10, 1998

Flat-Rate Rent: The initial annual rent is \$1,400, which is consistent with the approved Aviation Rental Rates for Montgomery Field. The rent will be adjusted periodically to reflect changes in the Consumer Price Index (CPI).

Security Deposit: \$1,400.

Use: Fenced airport viewing area and access to aircraft tiedowns.

Maintenance: Lessee shall maintain the improvements to the City's satisfaction, at Lessee's expense.

The lease contains all other standard City lease terms and conditions.

Conclusion: By the City approving this agreement, the restaurant will be able to continue using the airport viewing area, and the City shall continue receiving revenue from an otherwise unusable area.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C410-415.)

ITEM-334:

SUBJECT: Initiation of the Subarea III (Pacific Highlands Ranch)
Development Agreement.

(See Planning Commission Report P98-096. North City
Future Urbanizing Community Area (Subarea III).
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1328) ADOPTED AS RESOLUTION R-290229

Declaring that an initial determination is made that a
development agreement for the Pacific Heights Ranch
Project is warranted and directing staff to accept the
application for a development agreement on this project
and negotiate a development agreement consistent with
Council Policy 600-37.

FILE LOCATION: DEV'L - Pardee Construction Co.

COUNCIL ACTION: (Tape location: A238-290.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear.
Passed by the following vote. Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: ADOPTION BY RESOLUTION NOT REQUIRED

ITEM-CS-2: (R-98-1307) ADOPTED AS RESOLUTION R-290231

A Resolution adopted by the City Council in Closed Session
on June 9, 1998:

Authorizing the City Manager to pay the sum of \$125,487.20
in partial settlement of each and every claim against The
City of San Diego, its agents and employees resulting from
property damage to Pacific Bell, et al.; and authorizing the
City Auditor and Comptroller to issue one check in the
amount of \$125,487.20, made payable to Luth & Turley, Inc.,
in partial settlement of all claims.

Aud. Cert. 9801264

FILE LOCATION: MEET

ITEM-CS-3: (R-98-1490) ADOPTED AS RESOLUTION R-290232

A Resolution adopted by the City Council in Closed Session
on June 9, 1998:

Authorizing the City Manager to pay the sum of \$50,000.00 in
the settlement of each and every claim against the City of
San Diego, its agents and employees resulting from personal
injury claims of Alexander Rabinovich and Alla Rabinovich as
a result of an incident which occurred on May 5, 1996; and
authorizing the Auditor and Comptroller to issue one check
in the amount of \$50,000.00, made payable to Alexander
Rabinovich, Alla Rabinovich and Yana Yudelevich, their
attorney of record, in full settlement of all claims.

Aud. Cert. 9801387

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Deputy City Clerk Mary Cepeda at 2:00 p.m. due to lack of a quorum.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C416-420).